

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF Texas

JAN 14 2016

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature]

DEPUTY

UNITED STATES OF AMERICA, Plaintiff

VS.

Case No. W-14-CR-139(01)

Kristin Galloway, Defendant

DEFENDANT'S MOTION TO CHANGE METHOD
BY WHICH BALANCE OF SENTENCE IS SERVED

COMES NOW, the Defendant, Kristin Galloway and moved the Court for an order changing the method by which the balance of her sentence is served by allowing her to serve the remaining 38 months of her sentence on home confinement.

The Defendant relies upon 18 U.S.C. §3553 et. Seq., 42 U.S.C. §13882 and the memorandum of Points and Authorities below, in support of her motion.

MEMORANDUM OF LAW

On March 25, 2015 the Defendant began serving the 46 month period of incarceration to which the Court sentenced her. The Defendant has thus far served 8 months plus the credit of 180 days. The Defendant is entitled to a projected total of 180 days good time to be credited toward the total amount of time to which she was sentenced. A Prisoner is entitled to 54 days of good conduct time per year of incarceration if the prisoner has a High School Diploma or GED. See 18 U.S.C. § 4161 and 28 CRFF 523.1 et. Seq. The Defendant in this case, currently has a BS and an MBA.

Pursuant to 42 U.S.C. § 13882, The Violent Crime Control and Law Enforcement Act of 1994, the Bureau of Prisons was authorized to initiate the Family Unity Demonstration Project, the purpose of which to alleviate the harm to children and families upon incarceration of a family member. The United States Congress enacted the Family Unity Demonstration Project law and charged the United States Bureau of Prisons with the responsibility for developing halfway house-like facilities in the communities across the United States which are capable of housing inmates as well as providing educational and other rehabilitative programs for prisoners and their children. See 42 U.S.C. § 13903.

Despite the fact that the United States Congress has appropriated funding for the implementation of the Family Unity Demonstration Project, the Bureau of Prisons has failed to and refuses to effectuate the Project. See 42 U.S.C. § 13904. When a Federal Agency has refused, through either nonfeasance or

malfeasance to follow the law, the Court is empowered to fashion an alternative remedy to effectuate the goal that Congress sought to achieve.

The Defendant has served approximately 8 months of the 46 month sentence which this Court imposed on her. The Defendant is currently employed at Federal Prison Camp at Bryan, at Po Box 2197 Bryan, TX 77805.

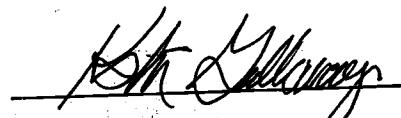
The Defendant also wishes to bring to the attention of the Court the fact that she has participated in various programs (see enclosures). The Defendant prays the Court will show mercy in allowing her to return to the community in the interest of keeping her family together and becoming a productive citizen.

CONCLUSION

Based upon the foregoing, the Defendant respectfully requests that the Court grant her motion to serve the remainder of her sentence on home confinement or in a halfway house-like facility on prerelease custody. The Defendant is a non-violent first time offender who poses no threat to society. Federal prisons are 40 percent over capacity.

Respectfully submitted,

On the 27th day of November 2015



Signature of Movant

Department of Justice

INMATE SKILLS DEVELOPMENT PLANFederal Bureau of Prisons
Current Progress Report: 11-16-2015

Name: GALLOWAY, KRISTIN
 Register Number: 41798-380
 Security/Custody: MINIMUM/OUT
 Projected Release: 07-27-2018 / GCT REL

Institution: BRYAN FPC
 P.O. BOX 2197
 BRYAN, TX 77805
 (979) 823-1879
 979-821-3316

Next Review Date: 03-23-2016
 Next Custody Review Date: 09-25-2015
 Age/DOB/Sex: 33 / 05-12-1982 / F
 CIM Status: N

Driver's License/State: /
 FBI Number: 185760CE1
 SSN: 460836378
 DCDC Number:
 INS Number:
 PDID Number:
 Other IDs:

Release Residence: Robert Galloway, Husband
 10333 EAGLE MOUNTAIN DR.
 WACO, TX 76712
 Telephone: (979) 209-4611

Release Employer: [Name]
 Contact [Address]
 Telephone: [POC]

Primary Emergency Contact: [POC]
 [Address]
 Telephone:

Secondary Emergency Contact: [POC]
 Telephone: [Address]

Mentor Information:**Controlling Sentence Information:**

Offense(s)/Violator Offenses	Sentence	Sentencing Procedure	Supervision Term
18 USC 641; THEFT OF GOVERNMENT PROPERTY	46 MONTHS	3559 PLRA SENTENCE	3 YEARS

Other Current Offenses:

NONE

Controlling Sentence Began	Time Served/Jail Credit/Inoperative Time	Days GCT/EGT/SGT	Days FSGT/WSGT/DGCT	Parole Status
03-25-2015	7 MONTHS 24 DAYS / 1 / 0	180 / 0 / 0	0 / 0 / 0	Hearing Date: NOT ENTERED Hearing Type: Last USPC Action:

Detainers: N

Special Parole Term: NOT ENTERED

Pending Charges: None known

Cim Status: N

Cim Reconciled: N/A

Financial Responsibility	Imposed	Balance	Case No./Court of Jurisdiction	Assgn/Schedule Payment
ASSESSMENT USDC	\$100.00	\$100.00	W-14-CR-139(01)	FINANC RESP-PARTICIPATES \$25.00 MONTHLY
FINE USDC	\$1000.00	\$1000.00	W-14-CR-139(01)	
RESTITUTION FEDERAL VICTIM USDC	\$154400.00	\$154400.00	W-14-CR-139(01)	

Financial Plan Active: Y
 Financial Plan Date: 04-13-2015

Comm Dep-6 mos: \$0.00
 Commissary Balance: \$355.00

Payments

Department of Justice
INMATE SKILLS DEVELOPMENT PLAN

Federal Bureau of Prisons
PROGRESS REPORT: 11-16-2015

Commensurate: Y
 Missed: N

Judicial Recommendations: //

Special Conditions of Supervision:

USPO Sentencing:	Joe Sanchez, Chief Texas Western Probation Office Federal Building 727 East Cesar E. Chavez Boulevard Room A405 San Antonio, TX 78206	USPO Relocation:	[POC] [District] [Street Address/Suite] [City], [State] [Zip]
Phone/Fax:	210-472-6590 / 210-472-6599	Phone/Fax:	[Phone] / [Fax]

Subject to 18 U.S.C. 4042(B) Notification:	N	DNA Required:	Y - [Date]
		Subject to Sex Offender Notifications:	N
		Treaty Transfer Case:	[Y,N]

Profile Comments:

EDUCATION DATA					
Facility	Assignment	Description	Start Date	Stop Date	
BRY	GED HAS	COMPLETED GED OR HS DIPLOMA	04-02-2015	CURRENT	
BRY	ESL HAS	ENGLISH PROFICIENT	04-02-2015	CURRENT	
COMPLETED EDUCATION COURSES					
Course Description				Completion Date	Course Hours
PARENTING/ENGLISH STEP				11-04-2015	12
PARENTING/ESSENTIALS OF				10-20-2015	12
A WALK TO BEAUTIFUL				11-03-2015	2
LIFE OF DETROIT FIREFIGHTERS				10-27-2015	2
HALLOWEEN CARD MAKING				10-19-2015	1
OBESITY CLASS ON HEALTH RISKS				10-04-2015	12
BETH MOORE GODLY PEOPLE				09-11-2015	7
BERMUDA TRIANGLE				09-08-2015	2
VALLEY OF AMAZEMENT- BOOK CLUB				09-01-2015	4
AMERICA THE STORY OF US				08-15-2015	2
DOWN BUT NOT OUT - A. BAILEY				08-05-2015	2
HIGH TEST SCORES					
Test	Subtest	Score	Test Date	Test Facl	Form
Inmate has no score history items in this area					State

WORK DATA					
Facility	Assignment	Description	Start Date	Stop Date	

Name: GALLOWAY, KRISTIN

RegNo: 41798-380

BRY	AM KITCHEN	KITCHEN DETAIL/AM SHIFT	08-04-2015	CURRENT
WORK HISTORY				
Facility	Assignment	Work Assignment Description	Start Date	Stop Date
BRY	FOOD SVC	FOOD SERVICE	08-03-2015	08-04-2015

DISCIPLINE HISTORY				
UDC / DHO	Hearing Date	Report No.	Prohibited Act / Description	Sanction
Inmate has no disciplinary history items in this area				

MOVEMENT DATA				
Facility	Assignment	Description	Start Date	Stop Date
BRY	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-23-2015	CURRENT
MOVEMENT HISTORY				
Facility	Assignment	Description	Start Date	Stop Date
CDA	DESIGNATED, AT ASSIGNED FACIL		04-27-2015	04-27-2015
CDA	*MULTIPLE TRIPS IN/OUT OF CDA		04-15-2015	04-25-2015
BRY	DESIGNATED, AT ASSIGNED FACIL		04-01-2015	04-15-2015
BRY	*MULTIPLE TRIPS IN/OUT OF BRY		03-25-2015	04-01-2015

CASE MANAGEMENT ASSIGNMENTS				
Facility	Assignment	Description	Start Date	Stop Date
BRY	RPP PART	RELEASE PREP PGM PARTICIPATES	11-05-2015	CURRENT
BRY	FND PART	FOUNDATION PROGRAM PARTICIPANT	10-06-2015	CURRENT
BRY	V94 COA913	V94 CURR OTHER ON/AFTER 91394	03-25-2015	CURRENT

MEDICAL DUTY STATUS ASSIGNMENTS				
Facility	Assignment	Description	Start Date	Stop Date
BRY	YES F/S	CLEARED FOR FOOD SERVICE	07-30-2015	CURRENT
BRY	REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	07-30-2015	CURRENT

Department of Justice

INMATE SKILLS DEVELOPMENT PLAN

Federal Bureau of Prisons

PROGRESS REPORT: 11-16-2015**ACADEMIC******* Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
(?)	INTELLECTUAL FUNCTIONING
(?)	LITERACY
(?)	LANGUAGE
(?)	COMPUTER SKILLS
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326 PREVIOUS TEAM: 20150326 No recommendations at this time. PREVIOUS TEAM: 20150923 No recommendations at this time.	

VOCATIONAL/CAREER ***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
(?)	EMPLOYMENT HISTORY
(?)	CAREER DEVELOPMENT
(?)	INSTITUTION WORK HISTORY
(?)	POST INCARCERATION EMPLOYMENT
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326 PREVIOUS TEAM: 20150326 No recommendations at this time. PREVIOUS TEAM: 20150923 No recommendations at this time.	

Name: GALLOWAY, KRISTIN

RegNo: 41798-380

INTERPERSONAL***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status:	Response Summary
	RELATIONSHIPS
	FAMILY TIES/SUPPORT SYSTEM
	PARENTAL RESPONSIBILITY
	<ul style="list-style-type: none"> (-) children under the age of 21 (i) contact maintained with children (i) contact with other parent <hr/> <ul style="list-style-type: none"> (+) consistent financial support for all children legally responsible for <hr/> <ul style="list-style-type: none"> (i) RRC (MINT) Placement is recommended (i) date referred: 03-26-2015 (i) MINT date: 04-15-2015 (i) delivery date: 05-02-2015 (i) return date to parent institution: 08-02-2015 (i) proposed guardian: Sheri Barnett
	COMMUNICATION
	<ul style="list-style-type: none"> (+) displays good communication skills
Progress and Goals	
<p>PREVIOUS PROGRESS REPORT: 20150326</p> <p>PREVIOUS TEAM: 20150326</p> <p>Complete Parenting in 2015.</p> <p>PREVIOUS TEAM: 20150923</p> <p>Completed the MINT program. While there, completed Pregnancy Workshop, Infant Care, Separation, Self Esteem Workshops, Victim Awareness and Parenting classes. Since returning from the MINT, completed Down But Not Out. No further recommendations at this time.</p>	

Department of Justice

INMATE SKILLS DEVELOPMENT PLANFederal Bureau of Prisons
PROGRESS REPORT: 11-16-2015**WELLNESS******* Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
 HEALTH PROMO/DISEASE PREVENT	<ul style="list-style-type: none"> <input type="checkbox"/> overweight <input checked="" type="checkbox"/> height 5 ft. 7 in. <input checked="" type="checkbox"/> weight (lbs) 232 <input checked="" type="checkbox"/> BMI Score 36.3 <input checked="" type="checkbox"/> date calculated 04-06-2015 <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> no regular exercise <hr/> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> no evidence of behaviors associated with increased risk of infectious disease <hr/> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> does not use tobacco (cigarettes, cigars, and/or smokeless tobacco) <hr/> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> had a primary care provider or clinic (prior to incarceration) <input checked="" type="checkbox"/> has health insurance coverage upon release
 DISEASE/ILLNESS MANAGEMENT	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> complies with treatment recommendations and/or takes medications as prescribed, or none required <hr/> <ul style="list-style-type: none"> <input type="checkbox"/> simple chronic care - easily managed medical or mental health conditions - See Exit Summary <input checked="" type="checkbox"/> no dental problems <input checked="" type="checkbox"/> no non-routine services/assistance devices needed
 TRANSITIONAL PLAN	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> does not require medication upon release from custody <input checked="" type="checkbox"/> does not require on-going treatment or follow-up after release from custody <input checked="" type="checkbox"/> TB Clearance Complete - See Exit Summary <input checked="" type="checkbox"/> health Services recommends for RRC placement
 GOVERNMENT ASSISTANCE	
Progress and Goals	
<p>PREVIOUS PROGRESS REPORT: 20150326</p> <p>PREVIOUS TEAM: 20150326</p> <p>Complete Women's Health, Nutrition, or Disease Prevention in 2015.</p> <p>PREVIOUS TEAM: 20150923</p> <p>While Participating in the MINT program, completed Nutrition and Exercise Lecture classes.</p>	

MENTAL HEALTH***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
 SUBSTANCE ABUSE MANAGEMENT	
 MENTAL ILLNESS MANAGEMENT	

Name: GALLOWAY, KRISTIN

RegNo: 41798-380

MENTAL HEALTH***** Disregard Response Summary and utilize only the Progress & Goals section *****

	TRANSITIONAL PLAN ⊕ no medication required upon release from custody ⊕ does not require on-going treatment after release from custody ① RRC placement not applicable
	APPROPRIATE SEXUAL BEHAVIOR
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326	
PREVIOUS TEAM: 20150326	
No recommendations at this time.	
PREVIOUS TEAM: 20150923	
Galloway is returning from the MINT program. She is no longer prescribed psych meds and is stable. No current or recent psych concerns. ED NONE, DAP SCREEN. No other recommendations at this time.	
Galloway reported a recent hx of tx for mental health concerns. She is being referred to the Psychiatrist due to recent meds. She is currently stable. ED NONE, DAP REFER. No other recommendations at this time.	

COGNITIVE***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
	GENERAL BEHAVIOR
	CRIMINAL HISTORY
	DOMESTIC VIOLENCE/ABUSE
	CRIMINAL BEHAVIOR
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326	
PREVIOUS TEAM: 20150326	
No deficits, no recommendations.	
PREVIOUS TEAM: 20150923	
While at the MINT program, completed Victim Awareness classes. No further recommendations.	

CHARACTER***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
	PERSONAL CHARACTER

Department of Justice

INMATE SKILLS DEVELOPMENT PLANFederal Bureau of Prisons
PROGRESS REPORT: 11-16-2015**CHARACTER******* Disregard Response Summary and utilize only the Progress & Goals section *****

	PERSONAL RESPONSIBILITY
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326	
PREVIOUS TEAM: 20150326	
No deficits, no recommendations.	
PREVIOUS TEAM: 20150923	
No deficits, no recommendations.	

LEISURE***** Disregard Response Summary and utilize only the Progress & Goals section *****

Status	Response Summary
	USE OF LEISURE TIME
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326	
PREVIOUS TEAM: 20150326	
Complete Women's Health, Nutrition, or Disease Prevention in 2015.	
PREVIOUS TEAM: 20150923	
Completed 15 hours community service with Beyond The Fence Program-Bryan Independent School District-Bonham Elementary School, Processing Classroom Library Books	
09-11-2015- Completed 8 hours of Community Service- BEYOND THE FENCE PROJECT- Branch Elementary School, Bryan Independent School District	
Completed 8 hours of community services for the Beyond the Fence Project-Fannin Elementary School, Bryan ISD	
CURRENT:	
11-12-2015, Completed 6 hours of Community Service with The Beyond The Fence Program, Bryan Independent School District, made costumes for Thanksgiving program, Fannin Elementary.	
09-30-2015 Completed 10 hours of Community Service with Beyond The Fence Program, Neal & Milian Elementary School, Bryan ISD	
09-24-2015 Completed 20 hours community service with Beyond The Fence Program-Bryan Independent School District-Ross and Mitchell Elementary School, processing classroom library books.	

DAILY LIVING***** Disregard Response Summary and utilize only the Progress & Goals section *****

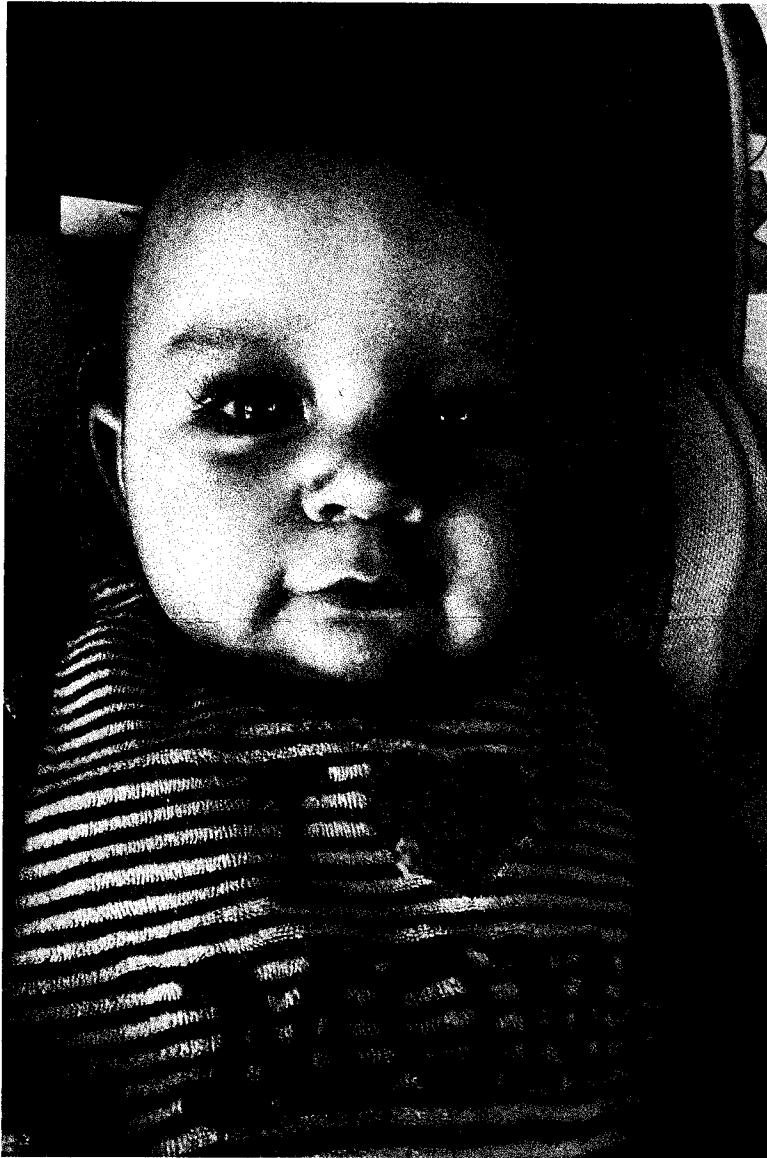
Status	Response Summary
	FINANCIAL MANAGEMENT
	FOOD MANAGEMENT

Name: GALLOWAY, KRISTIN

RegNo: 41798-380

DAILY LIVING***** Disregard Response Summary and utilize only the Progress & Goals section *****

	PERSONAL HYGIENE/SANITATION
	TRANSPORTATION
	IDENTIFICATION
	HOUSING
	RESIDENTIAL REENTRY CENTER (RRC) PLACEMENT ⓘ recommended or ordered for RRC placement ⓘ recommended range: 151-180 days
	FAMILY CARE
Progress and Goals	
PREVIOUS PROGRESS REPORT: 20150326	
PREVIOUS TEAM: 20150326	
Has secured DL and SSC in Central File. MINT placement is requested for 04-15-2015, as she has a delivery date of 05-02-2015.	
PREVIOUS TEAM: 20150923	
Returned from the MINT program and will need relocation. RRC placement will be recommended in accordance with the Second Chance Act.	



Mason Andrew Galloway

Madison - age 5
(left)
Reagan (right) age 3

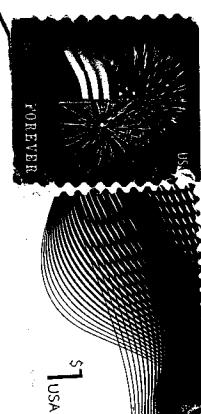


Kristin Galloway, #41798-380
Federal Prison Camp
PO Box 2149
Bryan, TX 77805

~~Franklin~~
400 Franklin

⇒ 41798-380 ⇒

Hon Walter Smith Jr.
900 Washington AVE
#201
WACO, TX 76701
United States



RECEIVED

JAN 14 2016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

W-14-07-139(1)

Honorable Judge Smith,

Please consider the attached request concerning serving the remainder of my sentence on home confinement.

I spent 3 months at a halfway house in Fort Worth without incident and have spent the remainder of time incident-free at Bryan Federal Prison Camp.

I have made use of my time here by working, completing community service projects, attending classes, and exercising.

Judge Smith, my main concerns are my 3 children. My 5 year old struggles with autism, my 3 year old wonders why Mommy won't come home, and my infant son is separated from his siblings because my husband cannot emotionally and financially care for him. This separation from me, their primary caregiver and #1 advocate is hurting them.

I am willing to meet any type of stipulation you may offer me. Be it strict home confinement, ankle monitor, or turning myself into the county jail every weekend - I would go through anything to be able to love and care for my children on a regular basis.

I pray that you will consider my request to serve this sentence in such a way that it will minimize the harmful effects this situation is playing on my children. My incarceration is temporary, but these formative years are laying the foundation for my children's whole lives.

Again, I appreciate your careful consideration,

Sincerely, 
Kristin Gallaway